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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,929	03/26/2004	Edmund Messina	139612-1	3067

35684 7590 06/25/2009

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EXAMINER
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BHARADWAJ, KALPANA

ART UNIT	PAPER NUMBER
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2129

NOTIFICATION DATE	DELIVERY MODE
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06/25/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/810,929	<b>Applicant(s)</b> MESSINA, EDMUND	
	<b>Examiner</b> KALPANA BHARADWAJ	<b>Art Unit</b> 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 & 6-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to an AMENDMENT entered 04/15/2009 for the patent application 10/810929 filed on 03/26/2004.
2. All prior office actions are fully incorporated into this Office Action by reference.

### ***Status of Claims***

3. Claims 1-4 and 6-21 are pending. Claim 5 has been cancelled. Claims 20 and 21 are new.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4 and 6-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wyss (USPN 2002/0026435, referred to as **Wyss**).

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**Claim 1, 10, 19:**

Wyss teaches a computer program for interrogating a user, and generating a result, for example a report, custom video presentation, web-site presentation, etc., based upon the user's interrogatory answers, the computer program comprising:

a computer-readable memory device encoded with a database (**Wyss**, ¶ 0006: knowledge-base system configured to store a database) comprising

a plurality of predefined questions and associated, predefined answers (**Wyss**, ¶ 0006: database containing answers to questions), wherein the plurality of questions and answers are organized in a predefined relationship between a pre-designated starting question and one or more ending questions to thereby define a plurality of possible logical interrogatory paths through the database (**Wyss**, ¶ 0006: number of response templates each providing a different response format; **EN**: the 'template' reads on 'organized predefined relationship through possible interrogatory paths'), and wherein further the selection of any one of the plurality of possible logical paths is user-answer-dependent (**Wyss**, ¶ 0006: response message is created based on the question; **EN**: 'based on' reads on 'dependent');

a computer-readable memory device encoded with a user interface for displaying questions from the database to be answered by a user, and for accepting answers from a user (**Wyss**, ¶ 0017: entry display screen for the system); and

a computer-readable memory device encoded with an engine to present questions from the database to the user interface (**Wyss**, ¶ 0055: interfaces for the knowledge-base system) to be answered by a user, and to navigate one of the plurality

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of possible logical interrogatory paths defined by the relationship between the pre-designated starting question and the one or more ending questions as dictated by a user's answers to the questions presented at the user interface (**Wyss**, ¶ 0071: matcher 106 queries the database 108 in order to find Q/A; **EN**: The 'matcher' performs the function of 'navigating through possible logical interrogatory paths').

**Claim 2, 11:**

Wyss teaches the computer program of claim 1, wherein the database further comprises content and rules (**Wyss**, ¶ 0079: context specific rules) for generating at least one report based upon a user's answers to questions presented at the user interface (**Wyss**, ¶ 0037-0038: reporting screen for the system), the content and rules having a predefined relationship with the plurality of predefined questions and answers of the database (**Wyss**, ¶ 0071: matcher 106 queries the database 108 in order to find Q/A) so that the content of the at least one report is dependent upon a user's answers to questions from the database, and wherein further the engine is operative to generate from the reporting database at least one report using the content and rules from the database (**Wyss**, ¶ 0037-0039: generating a response to an inquiry).

**Claim 3, 12:**

Wyss teaches the computer program of claim 2, wherein the database comprising a plurality of predefined questions and associated, predefined answers, includes questions and answers for evaluating a users level of knowledge respecting a

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particular subject matter, and wherein further the content and rules for generating the at least one report based upon a user's answers to questions presented at the user interface include content and rules for generating a test score indicative of a users level of knowledge respecting the particular subject matter (**Wyss**, ¶ 0072: Each matching Q/A entry is scored based upon the values; **EN**: The 'scoring' is indicative of a users level of knowledge in the particular subject matter; *Other limitations of this claim have been rejected previously, and are not repeated for brevity*).

**Claim 4, 13:**

Wyss teaches the computer program of claim 1, wherein the computer-readable memory device encoded with the database, the computer-readable memory device encoded with the user interface, and the computer-readable memory device encoded with the engine all comprise the same computer-readable memory device (**Wyss**, ¶ 0047: database 108 is stored in a memory).

**Claim 6, 15:**

Wyss teaches the computer program of claim 1, wherein the database further comprises one or more video files, wherein the engine is operative to display one or more of the one or more video files at the user interface, and wherein further the one or more video files are associated with the predefined questions and answers of the database so that the display of the one or more video files at the user interface is

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dependent upon a user's answers to questions from the database (**Wyss**, ¶ 0047: an optical disc memory (such as a DVD or CDROM)).

**Claim 7, 16:**

Wyss teaches the computer program of claim 6, wherein the engine is operative to display a plurality of the video files at the user interface in a continuous sequence the order of which is defined by a user's answers to questions from the database (**Wyss**, ¶ 0047: DVD or CDROM; RAM, SAM; or a combination of these memory types).

**Claim 8, 17:**

Wyss teaches the computer program of claim 1, wherein the database further comprises one or more URL addresses, wherein the engine is operative to display the URL addresses at the user interface, and wherein further the one or more URL addresses are associated with the predefined questions and answers of the database so that the display of URL addresses at the user interface is dependent upon a user's answers to questions from the database (**Wyss**, ¶ 0048: web server 114).

**Claim 9, 18:**

Wyss teaches the computer program of claim 8, wherein the engine is operative to display a plurality of the URL addresses at the user interface in a sequence the order

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of which is defined by a user's answers to questions from the database (**Wyss**, ¶ 0048: web server 114).

**Claim 14:**

Wyss teaches the system of claim 10, wherein the at least one user interface is displayed at a location physically remote from the at least one computer comprising the database and the at least one computer comprising the engine (**Wyss**, ¶ 0046: one or more components can be located remotely relative to each other).

**Claim 20:**

Wyss teaches the method of claim 19, further comprising the step of providing a computer database comprising content and rules (**Wyss**, ¶ 0079: context specific rules) for generating at least one report based upon a user's answers to questions displayed at the user interface, the content and rules having a predefined relationship with the plurality of predefined questions and answers so that the content of the at least one report is dependent upon a user's answers to questions from the database, and wherein further the step of displaying a result at the user interface comprises displaying at least one report generated using the content and rules from the database (**Wyss**, ¶ 0037: reporting screen for the system).

**Claim 21:**



Wyss teaches the method of claim 19, wherein the computer database further comprises one or more video files associated with the predefined questions and answers of the database, and wherein further the step of displaying a result at the user interface comprises displaying one or more of the one or more video files at the user interface depending upon a user's answers to the questions from the database (**Wyss**, ¶ 0047: DVD or CDROM; RAM, SAM; or a combination of these memory types).

### **Response to Argument**

6. Applicant's arguments filed 04/15/2009 have been fully considered but they are not persuasive.

#### **Argument 1:**

Wyss et al. discloses a knowledge-base system and method for automatically processing incoming questions submitted from outside the knowledge-base system by a "client," the system generally characterized by a database of answers to frequently asked questions. In other words, the knowledge-base system of Wyss et al. is directed toward the automated answering of discrete questions presented by a client; it does not pose questions of any number. The following statement from Wyss et al. is instructive:

"A knowledge-base system includes a processor, a database, and a matcher for matching questions of clients to answers in the database."

#### **Abstract.**

In contrast to the foregoing, the Applicant's invention as defined in each of independent claims 1, 10, and 19 is distinguishable from Wyss et al. at least in defining a computer program, system and method (respectively) for interrogating a user and generating a result (for example a report, custom video presentation, web-site presentation, etc.) based upon the user's interrogatory answers, the interrogation being effected with the presentation to the user of predefined questions from a computer database comprising

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such predefined questions and associated, predefined answers that are organized in a predefined relationship between a pre-designated starting question and one or more ending questions to thereby define a plurality of possible logical interrogatory paths, and wherein further the selection of any one of the plurality of possible logical paths defined by the relationship between the pre-designated starting question and the one or more ending questions is user-answer dependent. To further clarify these distinctions, Applicant has amended the independent claims to emphasize that the program/system/method of his invention provides questions to be answered by a user (Wyss et al. do not), as well as to emphasize that the plurality of possible logical paths are defined by the relationship between the pre-designated starting question and the one or more ending questions (which Wyss et al. also necessarily lacks as a mere knowledge base for finding answers to client-generated FAQs).

Examiner's response:

The applicant does not specifically point to any limitation that is not met. The examiner interprets the applicant's concerns as Wyss not meeting the limitation of "provides questions to be answered by the user". The applicant's claimed limitation states -- a plurality of predefined questions and associated, predefined answers. Wyss discloses a database containing answers to questions. Certainly, the database contains a set of question and a set of answers (**Wyss**, ¶ 0006: database containing answers to questions). Also see Abstract (Question-answer entries). It is abundantly clear that the system provides questions to be answered. It is suggested that any future remarks include the claim and line number of the specific limitation that the applicant may feel is not taught by the applied art.

Argument 2:

Still more particularly, the invention according to an exemplary embodiment is distinguishable in that the program/system/method does not, like Wyss et al., simply patch a canned response but navigates through a logic map to ask a series of questions and gather answers that may be applied to create original combinations of words or phrases to create an original report (as opposed to the pre-written responses of Wyss et al.). In other words, it evaluates the user's answers to questions, those answers taking it down a logical path for additional inquiries and then applying rules in the "report writer" to

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evaluate the answers to create a customized report. For example, these answers may be applied to clinical guidelines to create a report that makes a diagnosis and presents information to the user on why the diagnosis was made. Per another distinguishing feature, the program/system/method according to an exemplary embodiment is capable of using rules to string together video files to create a custom video presentation to the viewer/user based on the user's answers to the predefined questions. For example, the video files may match the demographics of the viewer or teach them facts they were revealed as lacking in their answers to the questions presented.

Further distinctions are manifest by a more detailed consideration of the examiner's arguments for anticipation. Relative to each of claims 1, 10 and 19, the examiner asserts that Wyss et al. teach, at Par. 6, a plurality of predefined questions and associated, predefined answers organized in a predefined relationship between a pre-designated starting question and one or more ending questions to define a plurality of possible logical interrogatory paths. This is not, in fact, the case. Par. 6 of Wyss et al. states:

Still another form of the invention includes operating a knowledge-base system configured to store a database containing answers to questions and a number of response templates each providing a different response format. The system is operatively coupled to a client computer. An input is received from the client computer that corresponds to a question. A query result is generated from the database in response to the question from the client computer. A response message is created based on the question from the client computer, at least one of the response templates, and the query result. The response message is sent to the client computer.

Self evidently from the foregoing, Wyss et al. comprehend receiving questions from a client rather than presenting those questions, and providing a response to those questions from the database. As such, Wyss et al. **cannot** comprehend "a plurality of possible logical interrogatory paths" as instantly claimed. At best, Wyss et al. define only a plurality of possible responses to discrete questions posited externally from "clients."

Also relative to the independent claims, the examiner contends that Wyss et al. teach the navigation of one or the plurality of possible logical interrogatory paths as dictated by the user's answers to the questions as presented at the user interface. More specifically, the examiner claims to find correspondence for this limitation in Par. 71 of Wyss et al., which refers to a "matcher": "[T]he matcher **106** queries the database **108** in order to find QIA entries relevant to the question. The matcher **106** uses the word index **700** from database **108** and the question-answer table **600** to generate a response." (Emphasis original.)

Consistent with the overall utility and operation of the Wyss et al. invention, the foregoing and related discussion in that reference makes no reference to any navigation through

any of a "plurality of possible logical interrogatory paths defined by the relationship between the pre-designated starting question and the one or more ending questions as dictated by a user's answers to the questions presented at the user interface." How could it be otherwise, inasmuch as no such "logical paths" as defined in the claims are described in Wyss et al. and, correspondingly, the system of that reference is not directed to interrogating a user, but rather to responding to "frequently asked questions" (FAQs) submitted by "clients" from outside the system? In other words, the *Wyss et al.* **system merely searches for an answer to a question as a simple link between FAQ and response.** Turning to claims 2 and 11 (and claims 3 and 12 which depend, respectively, herefrom), Wyss et al likewise fail to anticipate for at least the reason that the system of that reference does not interrogate a user (and, thus, cannot teach Applicant's claimed invention, characterized as it is by the generation of a report the content of which is dependent upon a user's answers to questions **from** the database.

Examiner's response:

The examiner has interpreted applicant's main concern here as – Wyss does not anticipate "plurality of possible logical interrogatory paths defined by the relationship between the pre-designated starting question and the one or more ending questions as dictated by a user's answers to the questions presented at the user interface" as claimed by the applicant. In response, refer to (**Wyss**, ¶ 0006: number of response templates each providing a different response format; **EN**: the 'template' reads on 'organized predefined relationship through possible interrogatory paths'). The reference performs a search through a number of response templates in order to find a response. In order to achieve this, and combined with the matcher (**Wyss**, ¶ 0071: matcher 106 queries the database 108 in order to find Q/A; **EN**: The 'matcher' performs the function of 'navigating through possible logical interrogatory paths'; one of ordinary skill in the art would see that 'possible logical interrogatory paths' are inherently defined.

**Argument 3:**

Relative to claims 6 and 15 (and claims 7 and 16 which depend, respectively, therefrom), the examiner's reliance on Par. 47 of Wyss et al. is misplaced, for the teaching therein references the provision of a memory for storing the database of Q/A entries in the form

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of an **optical disc memory**, "such as a DVD or CDROM." This is decidedly not commensurate with teaching a database, as Applicant instantly claims, comprising one or more video files that may be displayed at the user interface, the one or more video files associated with the predefined questions and answers of the database so that the display of the one or more video files at the user interface is dependent upon a user's answers to questions from the database.

Examiner's response:

At that the applicant has claimed in 6 and 15 is - wherein the engine is operative to display a plurality of the video files at the user interface in a continuous sequence the order of which is defined by a user's answers to questions from the database. Wyss has disclosed the use of video files (**Wyss**, ¶ 0047: DVD or CDROM; RAM, SAM; or a combination of these memory types). Also, disclosed is the system's ability to receive and respond to questions (see e.g. Abstract).

Argument 4:

Respecting claims 8 and 17 (and claims 9 and 18 depending therefrom) the examiner's assertion that Wyss et al. teaches in Par. 48 a database comprising one or more URL addresses which may be displayed at the user interface, and which are associated with the predefined questions and answers of the database so that the display of URL addresses at the interface is user-answer dependent, is manifestly incorrect. ***Wyss et al. disclose no more that that the knowledge-base system can be connected to a computer network via a web server*** ( I 14). Such a configuration has absolutely no relationship to the features recited in claims 8, 9, 17 and/or 18 of Applicant's invention.

Examiner's response;

Wyss discloses in [0003] that inquiries are sent using web sites, which is a well known technology today. Further, it is disclosed that that knowledge system provides communication channels distributed over multiple computers (**Wyss**, ¶ 0048: web server 114). One of ordinary skill in the

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art would see that the display of URL at the user interface would be inherently embedded in the system

### **Examination Considerations**

7. Examiner has cited particular columns and line numbers or paragraph numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. The entire reference is considered to provide disclosure relating to the claimed invention.

### ***Conclusion***

8. Claims 1-4 and 6-21 stand rejected.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Correspondence Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KALPANA BHARADWAJ whose telephone number is (571)270-1641. The examiner can normally be reached on Monday-Friday 7:30am 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bharadwaj Kalpana/

Examiner, Art Unit 2129

/David R Vincent/

Supervisory Patent Examiner, Art Unit 2129